

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Rudy Mazzocchi et al. Attorney Docket: MVA1001USC8  
Serial No.: 10/607,328 Group Art Unit: 3734  
Filed: June 26, 2003 Examiner: Vy Q. Bui  
For: METHOD AND DEVICE FOR FILTERING BODY FLUID

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**COMMUNICATION ACCOMPANYING**  
**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 223313-1450

Dear Sir:

Applicants have previously notified the Office in accordance with MPEP § 2001.06(c) of the existence of litigation in which certain patents claiming priority to the same parent application (Serial No. 08/272,425) as the present application have been asserted against an infringer. Specifically, U.S. Patent Nos. 7,033,375, 6,989,019 and 6,949,103 have been asserted in counterclaims filed in May and June, 2006, (the "Litigation") against Boston Scientific Corporation and Boston Scientific SciMed, Inc. in Civil Action No. 05-651 filed in the United States District Court for the District of Minnesota. During the course of the Litigation certain allegations have been made by Boston Scientific that the above-identified patents are invalid or that they were procured through inequitable conduct or fraud. Certain other arguments have been made by the parties to the Litigation regarding the proper construction of certain terms used in the claims of the above-identified patents. Applicants have previously submitted copies of certain documents generated during the course of the Litigation which contain allegations of the types described above. Applicants are submitting herewith a copy of an additional

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**Certificate of Electronic Transmission (37 C.F.R. § 1.8)**

I hereby certify that this paper is being transmitted to the U.S. Patent and Trademark Office electronic filing system on the date indicated below.

Date: August 2, 2007

Signature: 

Name: Jodi Jung

document generated during the course of the Litigation. The document is an Order dated June 19, 2007 wherein the Court has construed disputed claim terms of the patents being litigated. This document is set forth on the accompanying Information Disclosure Statement (PTO/SB/08a) and also in the chart set forth below. In order to assist the Examiner with a review of this document the chart identifies pages or portions of the cited document which set forth the Court's construction of the claims. The reference to these pages or portions of the document is meant only to assist the Examiner in reviewing the document by providing a sample of relevant portions and is not meant to be a complete or exhaustive list of all portions of this document which may be material to the prosecution of the present application. Further, the Litigation includes other documents not cited herein such as, for example, depositions of the inventors, depositions of expert witness and reports of expert witnesses. Applicants, unless these documents are designated confidential and the party that has assigned the designation is unwilling to change their designation, will supply any additional Litigation documents that the Examiner desires to review upon the Examiner's request. The public electronic record and some of the documents from the Litigation can be found at the PACER website (<http://pacer.psc.uscourts.gov>, follow the link to the Minnesota District Court and search for case number 05-651).

CHART	
June 19, 2007 Order regarding (Markman) claim construction	Pages 10 and 15 to 18.

Applicants reserve the right to show, pursuant to 37 C.F.R. § 1.131 or otherwise, that any one or more of the documents cited on the PTO/SB/08a form is not prior art to the present invention.

Pursuant to the Manual of Patent Examining Procedure, Chapter 609, Applicants request that the Examiner consider the listed document and initial and return to the undersigned a copy of the enclosed PTO/SB/08a form.

Supplemental Information Disclosure Statement  
Applicants: Rudy Mazzocchi et al.  
Serial No.: 10/607,328

Attorney Docket: MVA1001USC8

It is believed that no additional fees are due in connection with this submission.  
However if this is incorrect, please charge any additional fees to Deposit Account No.  
16-2312.

Respectfully submitted,

Dated: 8/2/07

By

  
~~Customer No. 009561~~

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